

ORDINANCE NO. 2025-O-07

AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA, AMENDING/MODIFYING THE SCHEDULE OF IMPACT FEES RELATING TO CHAPTER 21 (LAND DEVELOPMENT CODE), ARTICLE XVII (DEVELOPMENT/IMPACT FEES) OF THE CITY OF EDGEWATER CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND ADOPTION.

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. New development increases demand on the City's public facilities and infrastructure, necessitating additional capacity and improvements to accommodate these needs.

2. It is the policy of the City that new development should bear its fair share of the costs of providing public infrastructure, facility capacity, and system improvements to meet the demand generated by such development.

~~3.~~ On September 9, 2024, Council adopted Ordinance 2024-O-19 which was the most recent incorporation of annual modifications to various fees/costs, surcharges and administrative costs/fees relating to the Code of Ordinances, Land Development Code and various administrative costs/fees.

4. Pursuant to Chapter 163.31801, F.S. (the "Florida Impact Fee Act") imposes specific requirements on the adoption, collection, and use of impact fees municipalities are permitted to increase impact fees by Ordinance.

5. The proposed new stormwater impact fees recognize that the City has constructed and will continue to improve stormwater infrastructure to manage and control runoff, prevent flooding, protect water quality, and preserve access to properties throughout the

City, and that new development benefits from and places additional burdens on this infrastructure.

6. The City's water and sewer capital charges are assessed as "connection fees" and, pursuant to Section 163.31801(12), F.S., the Florida Impact Fee Act does not apply to water and sewer connection fees.

2.

3.7. The Schedule of Impact Fees (which is attached hereto and incorporated herein as “Exhibit “A”) related to Article XVII (Development/Impact Fees) of the Land Development Code is being modified to reflect changes pursuant to the water, sewer, and stormwater impact fee studies Impact Fee Study conducted by Alfred Benesh and Company and GovRates, Inc. and concluded in June 2024~~2025, that have been incorporated herein.~~

NOW, THEREFORE, BE IT ENACTED by the People of the City of Edgewater,
Florida:

PART A. AMEND/MODIFY THE SCHEDULE OF IMPACT FEES RELATING TO CHAPTER 21 (LAND DEVELOPMENT CODE), ARTICLE XVII (DEVELOPMENT/IMPACT FEES) OF THE CITY OF EDGEWATER CODE OF ORDINANCES

The Schedule of Impact Fees related to Chapter 21 (Land Development Code); Article XVII (Development/Impact Fees) is amended pursuant to Exhibit “A”, which is attached and incorporated herein.

PART B. CONFLICTING PROVISIONS.

All conflicting ordinances and resolutions, or parts thereof, in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. EFFECTIVE DATE.

The effective date of this Ordinance shall be _____. The updated water and sewer capital charges shall be effective October 1, 2025, while the new stormwater impact fees shall be effective _____November 17, 2025.

PASSED AND DULY ADOPTED this ____ day of _____, ~~2024~~2025.

Diezel DePew, Mayor

ATTEST:

Monique Toupin, Interim City Clerk

Passed on first reading on the ____ day of _____, 2024

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

Exhibit “A”
DEVELOPMENT/IMPACT FEE SCHEDULE

ARTICLE XVII - DEVELOPMENT/IMPACT FEES

21- - Authority of City Manager or Their Designee to Determine Applicable Impact Fees

The City Manager or their designee has the authority to determine the applicable impact fees for each particular property based on the adopted fee amounts, the intent of the fees, and the customer's specific configurations or circumstances.

21-311.04 - Tree Relocation Fee Schedule and Replacement Tree Fee Schedule

Determination of the bond amount and the tree replacement contribution shall be computed based upon the most current version of the Guide for Plant Appraisal, published by the International Society of Arboriculture.

21-311.05 - Payment in Lieu of Tree Replacement

Payment shall be \$5.00 per square inch of required mitigation in lieu of tree replacement.

21-325.01 - Water Capital Charges

A water capital charge is hereby established at \$~~9.41~~22.57 per gallon of potable water capacity or
~~\$1,9204,605.00~~ (~~four~~~~one~~ thousand ~~six~~~~nine~~ hundred ~~fiv~~~~e~~~~t~~~~w~~~~e~~~~n~~~~t~~~~y~~ dollars and 00/100) per equivalent residential unit (ERU). Those persons, corporations or entities who or which have entered into an agreement with the City providing credits against the water capacity charges shall be exempt from paying this water capital charge.

21-325.06 - System Design; Independent Engineers; City’s Engineer

Fees for the City Engineer’s review/comments on engineering plans relating to all system design shall be borne by each developer. Said developer shall pay all costs incurred for review and comments related to said review.

21-325.08 - Inspection Fees

All facilities proposed for transference to the City for ownership, operation and control shall be inspected to ~~insure~~ensure all construction/installation was in accordance with approved designs, Standard Construction Details, etc. Inspection fees shall be borne by each developer with all costs being reimbursed to the City as determined by the City’s consulting engineer.

21-325.12 - Water Capital Charges for Consumers Outside City Limits

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All consumers located outside the corporate limits of the City shall be charged the applicable water capital charges required to be paid by all City residents along with a twenty-five percent (25%) surcharge as allowed by applicable State Statutes.

21-327 ~~-~~ Sewer Capital Charges

A sewer capital charge is hereby established at \$~~21.86~~22.97 per gallon of wastewater capacity or \$~~4,460-685.00~~ (four thousand ~~four-six~~ hundred ~~sixty-two~~sixty-two~~eighty-six~~five dollars and 00/100) per ERU. Those persons, corporations or entities who or which have entered into an agreement with the City providing credits against the sewer capacity charges shall be exempt from paying this sewer capital charge. Those properties in the southern end of the utility service area that will be connected to the sewer system of Volusia County shall be charged the prevailing impact fees of Volusia County.

For the purpose of calculating and imposing non-residential water and sewer capital charges, the ERU conversion ratios found in Table 21-888 may be utilized as a reference:

TABLE 21-888 Conversion Ratios for WATER AND SEWER CAPITAL CHARGES		
ESTABLISHMENT	UNIT	ERU FACTOR
Residential:		
Single-family detached	per dwelling unit	1.0
Duplex	per dwelling unit	1.0
Multi-family	per dwelling unit	1.0
Mobile home	per dwelling unit	1.0
Commercial:		
Shopping center & retail shopping	per 1,000 sq.ft. gross	0.5
Office building (add food service & retail space)	per 1,000 sq.ft. gross	0.4
Auditorium	per seat	0.02
Laundry, self-service	per machine	1.4
Barber/beauty shop	per operating station	0.333
Bowling alley	per lane	0.333
Theater	per seat	0.02
Dinner theater	per seat	0.1
Trailer Park (overnight)	per space	0.833
Dentist's office	per dentist	1.0

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Dentist's office	per wet chair	0.667
Doctor's office	per doctor	1.0
Hospital	per bed	0.833
Nursing home	per bed	0.5
Automotive service and/or detailing facility	per bay	1.0
Automotive care	per wash bay	3.2
Automotive care	per public restroom	1.5
Convenience store/self service gas pumps	per public restroom	1.5
Industrial building (not including food service of industrial waste flows)		
Without showers	per 1,000 sq.ft.	0.4
With showers	per 1,000 sq.ft.	1.25
Hotel or motel (not including food service, banquet and meeting rooms, and laundries calculated separately)	per room	0.5
Church	per seat	0.02
Warehouse	per 1,000 sq.ft.	0.75
Grocery store	per 1,000 sq.ft. gross	0.75
Food service:		
Restaurant/cafeteria	per seat	0.1
Restaurant (24 hours)	per seat	0.185
Restaurant (fast food)	per seat	0.1
Bar/cocktail lounge	per seat	0.1
Schools, middle & high	per student	0.075
Schools, elementary & nursery	per student	0.033

21-327.06 - System Design; Independent Engineer; City's Engineer

Fees for the City Engineer's review/comments on engineering plans relating to all system design shall be borne by each developer. Said developer shall pay all costs incurred for review and comments related to said review.

21-327.07 - Inspection Fees

~~Struck through~~ passages are deleted.
Underlined passages are added.

All facilities proposed for transference to the City for ownership, operation ~~and control shall be inspected to insure, and control shall be inspected to ensure~~ all construction/installation was in accordance with approved designs, etc. Inspection fees shall be borne by each developer with all costs being reimbursed to the City as determined by the City's consulting engineer.

21-327.11 - Sewer Capital Charges for Consumers Outside City Limits

All consumers located outside the corporate limits of the City shall be charged the applicable sewer capital charges required to be paid by all City residents along with a twenty-five percent (25%) surcharge as allowed by applicable State Statutes.

21- - Stormwater Impact Fee

A stormwater impact fee is hereby established at \$210.00 (two hundred ten dollars and 00/100) per equivalent dwelling unit (EDU) for all residential establishments. The stormwater impact fee for commercial establishments is hereby established at \$0.105 (ten-and-a-half cents) per square foot of impervious area, with a minimum stormwater impact fee of \$210.

21- - Individual Impact Assessment

1. Generally.

- a. If a feepayer believes the impact to the City's facilities caused by the feepayer's proposed impact-generating land development activity is less than the fee established in this schedule, the feepayer may undertake an individual assessment of its impact on public facilities before the issuance of the building permit for the development.
- b. The feepayer shall pay all costs to develop the individual assessment of impact as well as i) any impact fees due when the assessment is under consideration; and ii) **any application review fees** adopted by the City Council^[BM1].

2. Methodology of individual assessment.

- a. If a feepayer elects to conduct an alternative impact fee assessment, the methodology for the assessment must be approved by the City Manager or their designee before the feepayer begins the assessment, based on the provisions of this section.
- b. The alternative impact fee assessment should be based on the general methodology used in the applicable impact fee study.
- c. An alternative impact fee assessment may calculate the demand component for a proposed development in a different way than the applicable impact fee study adopted in this chapter if the alternative impact fee assessment shows that the alternative approach accurately reflects the development's impact on public facilities.
- d. The person who prepares an alternative impact fee calculation must assume that the impact-generating land development activity will have the maximum impact on the public facility for the land use category contemplated under the impact fee rate.
- e. The cost and credit components for the alternative impact fee assessment must be those included in the applicable impact fee study, with adjustments for changes adopted by the City Council to the fees calculated in the impact fee study.

3. Individual assessment application.

- a. An application for an alternative impact fee should be submitted to the City Manager or their designee and should include all calculations and supporting information.
- b. The alternative impact fee calculations should be consistent with the data, information, and assumptions contained in the applicable impact fee study.
- c. Use of independent sources is allowed, provided that:
 - The independent source is a source of engineering or planning information that is generally accepted in the field and is the most recent and localized data available; or
 - The independent source is i) a local study that is supported by an adequate database for the conclusions contained in the local study; ii) is performed by a professional engineer or planner; iii uses a generally accepted methodology of engineering or planning; and iv) uses the most recent and localized data available.

4. Review of Individual Assessment Application.

- a. Completeness Review. The City Manager or their designee will decide within ten business days of submission of an application whether:
 - The application for an alternative impact fee calculation is complete; and
 - The calculations and methodology comply with the requirements of this section.
- b. If the City Manager or their designee determines that the application is not complete, they will send a written statement specifying the deficiencies to the person who submitted the application.
- c. The application will be deemed complete if no deficiencies are specified by the City Manager or their designee.
- d. After verifying the applicant received the statement of deficiencies, the City Manager or their designee will take no further action on the application until it is deemed complete.

5. Review of Fee Calculation.

- a. The City Manager or their designee will review complete applications and render a written decision within 20 business days from the date the application is deemed complete on whether the impact fee should be modified and, if so, what the amount should be.
- b. If the City Manager or their designee determines that the data, information, and assumptions used by the feepayer to calculate the alternative impact fee comply with the requirements of this section, the feepayer shall pay the alternative impact fee in satisfaction of the impact fee requirements of this section.
- c. If the City Manager or their designee determines that the data, information, and assumptions used by the applicant to calculate the alternative impact fee do not support an alternative fee amount, based on the requirements of this section, the City Manager or their designee will notify the feepayer and the person who submitted the application in writing.

21- - Review of Actual Water Consumption After Payment of Water and Sewer Capital Charges

Following payment of water and sewer capital charges, including any alternative capital charges,
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the City shall have the right to review the actual consumption of the establishment within 24 months following initiation of service. If such actual consumption reflects a greater demand on the water and sewer facilities than the capacity paid for with the capital charges, the City shall have the right to increase the total amount of capital charges collected from the applicant.

21-999.99 – Impact Fees, Other ~~T~~than Those for Water, ~~or~~ Sewer, and Stormwater Utilities

All Development which intends to create or intensify usage shall pay for the impact on City services commensurate with the type of use proposed for the property. Charges for all uses shall align to the nearest equivalent use provided on Table 21-999. The City shall update the types of uses found on Table 21-999 from time to time. Those persons, corporations or entities who or which have entered into an agreement with the City providing credits against the impact fees for one or more City services shall be exempt from paying those certain impact fees. The City shall evaluate the impact of all uses in Table 21-999 on all City services, including:

- a) Fire Rescue and Emergency Medical Support
- b) Law Enforcement
- c) General Government Buildings
- d) Parks and Recreation
- e) Multi-Modal Transportation

TABLE 21-999: City of Edgewater Impact Fee Schedule

ITE LUC	Land Use	Impact Unit	Fire Rescue	Law Enforcement	General Govt Bldgs	Parks & Recreation	Multi-Modal Transp.
RESIDENTIAL:							
210 - 222	Single Family/Multi-Family	du	\$1,019	\$408	\$833	\$1,306	\$346
240	Mobile Home on a Lot	du	\$583	\$234	\$476	\$748	\$346
	Mobile Home Park	du	\$583	\$234	\$476	\$748	\$131
TRANSIENT, ASSISTED, GROUP:							
254	Assisted Living Facility (ALF)	1,000 sf	\$764	\$310	\$624	-	\$53
255	Continuing Care Retirement Center	du	\$664	\$269	\$542	-	\$37
310	Hotel	room	\$805	\$326	\$657	\$1,226	\$157
311	All Suites Hotel	room	\$805	\$326	\$657	\$1,226	\$124
320	Motel	room	\$691	\$280	\$564	\$1,226	\$76
330	Resort Hotel	room	\$805	\$326	\$657	\$1,226	\$193
RECREATION:							
411	Public Park	acre	\$27	\$11	\$22	-	\$24
416	Campground/RV Park	site	\$308	\$125	\$252	-	\$51
420	Marina	berth	\$80	\$33	\$66	-	\$99
430	Golf Course	hole	\$536	\$217	\$438	-	\$1,239
431	Miniature Golf Course	hole	\$382	\$155	\$312	-	\$135
435	Multi-Purpose Recreational Facility	1,000 sf	\$1,502	\$609	\$1,227	-	\$81
445	Movie Theater	1,000 sf	\$2,233	\$905	\$1,824	-	\$1,073
482	Water Slide Park	acre	\$4,077	\$1,652	\$3,330	-	\$2,178
488	Soccer Complex	field	\$2,595	\$1,052	\$2,120	-	\$2,910
492	Health/Fitness/Athletic Club	1,000 sf	\$1,455	\$590	\$1,189	-	\$1,140
495	Recreational Community Center	1,000 sf	\$1,214	\$492	\$991	-	\$912
INSTITUTIONS:							
560	Church	1,000 sf	\$315	\$128	\$257	-	\$183
565	Day Care	1,000 sf	\$570	\$231	\$466	-	\$490
MEDICAL:							

ITE LUC	Land Use	Impact Unit	Fire Rescue	Law Enforcement	General Govt Bldgs	Parks & Recreation	Multi-Modal Transp.
610	Hospital	1,000 sf	\$858	\$348	\$701	-	\$380
640	Veterinary Clinic	1,000 sf	\$912	\$370	\$745	-	\$214
OFFICE:							
710	Office	1,000 sf	\$637	\$258	\$520	-	\$351
714	Corporate Headquarters Building	1,000 sf	\$637	\$258	\$520	-	\$257
720	Medical/Dental Office 10,000 sq ft or less	1,000 sf	\$778	\$315	\$635	-	\$804
	Medical/Dental Office greater than 10,000 sq ft	1,000 sf	\$1,120	\$454	\$915	-	\$1,154
750	Office Park	1,000 sf	\$604	\$245	\$493	-	\$493
760	Research and Development Center	1,000 sf	\$630	\$255	\$515	-	\$363
770	Business Park	1,000 sf	\$617	\$250	\$504	-	\$414
RETAIL:							
812	Building Materials/Lumber Store	1,000 sf	\$335	\$136	\$274	-	\$542
816	Hardware/Paint	1,000 sf	\$154	\$63	\$126	-	\$30
817	Nursery (Garden Center)	1,000 sf	\$2,146	\$870	\$1,753	-	\$174
822	Retail 40,000 sf gla or less	1,000 sf gla	\$1,321	\$535	\$1,079	-	\$254
821	Retail 40,001 to 150,000 sf gla	1,000 sf gla	\$1,837	\$745	\$1,501	-	\$497
820	Retail greater than 150,000 sf gla	1,000 sf gla	\$1,261	\$511	\$1,030	-	\$523
823	Factory Outlet Center	1,000 sf	\$905	\$367	\$739	-	\$265
840/841	New/Used Automobile Sales	1,000 sf	\$986	\$399	\$805	-	\$608
843	Tire Store/Auto Repair	1,000 sf	\$1,522	\$617	\$1,243	-	\$1,351
850	Supermarket	1,000 sf	\$1,515	\$614	\$1,238	-	\$734
851	Convenience Store	1,000 sf	\$3,889	\$1,576	\$3,177	-	\$2,085
862	Home Improvement Superstore	1,000 sf	\$1,214	\$492	\$991	-	\$307
880/881	Pharmacy with & without Drive-Thru	1,000 sf	\$1,133	\$459	\$926	-	\$461
890	Furniture Store	1,000 sf	\$208	\$84	\$170	-	\$142
SERVICES:							
911	Walk-In Bank	1,000 sf	\$738	\$299	\$602	-	\$440
912	Drive-In Bank	1,000 sf	\$952	\$386	\$778	-	\$788

ITE LUC	Land Use	Impact Unit	Fire Rescue	Law Enforcement	General Govt Bldgs	Parks & Recreation	Multi-Modal Transp.
931	Fine Dining Restaurant	1,000 sf	\$3,842	\$1,557	\$3,138	-	\$1,405
932	High-Turnover Restaurant	1,000 sf	\$3,614	\$1,465	\$2,952	-	\$1,574
933	Fast Food Restaurant without Drive-Thru	1,000 sf	\$5,626	\$2,280	\$4,595	-	\$3,571
934	Fast Food Restaurant with Drive-Thru	1,000 sf	\$6,478	\$2,625	\$5,291	-	\$3,798
936	Coffee/Doughnut Shop without Drive-Through	1,000 sf	\$6,310	\$2,557	\$5,154	-	\$2,559
937	Coffee/Doughnut Shop with Drive-Through	1,000 sf	\$6,665	\$2,701	\$5,444	-	\$4,229
941	Quick Lubrication Vehicle Shop	bays	\$1,019	\$413	\$833	-	\$707
942	Automobile Care Center	1,000 sf	\$1,039	\$421	\$849	-	\$498
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$885	\$359	\$723	-	\$499
945	Gas Station w/Convenience Store 2,000 to 5,499 sq ft	fuel pos.	\$1,395	\$565	\$1,139	-	\$768
	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$1,817	\$736	\$1,484	-	\$1,004
947	Self-Service Car Wash	stalls	\$583	\$236	\$476	-	\$435
948	Automated Car Wash	1,000 sf	\$1,180	\$478	\$964	-	\$1,406
970	Wine Tasting Room	1,000 sf	\$999	\$405	\$816	-	\$699
975	Drinking Place	1,000 sf	\$2,474	\$1,003	\$2,021	-	\$1,728
INDUSTRIAL:							
110	General Light Industrial	1,000 sf	\$302	\$122	\$246	-	\$158
130	Industrial Park	1,000 sf	\$221	\$90	\$181	-	\$109
140	Manufacturing	1,000 sf	\$355	\$144	\$290	-	\$153
150	Warehousing	1,000 sf	\$67	\$27	\$55	-	\$55
151	Mini-Warehouse/Storage	1,000 sf	\$20	\$8	\$16	-	\$32
MISCELLANEOUS:							
22	General Aviation Airport	employee	\$644	\$261	\$526	-	\$525